

**APPLICANT:**  
**Michael Segreti**

**REQUEST:**  
**Variances to rear and side yard setback requirements to allow an existing dwelling, sunroom and accessory structure**

**HEARING DATE:** December 10, 2003

**BEFORE THE**  
**ZONING HEARING EXAMINER**  
**FOR HARFORD COUNTY**  
**BOARD OF APPEALS**  
**Case No. 5382**

### **ZONING HEARING EXAMINER'S DECISION**

**APPLICANT:** Michael Segreti

**LOCATION:** 300 Bright Oaks Drive - Bright Oaks, Bel Air  
Tax Map: 56 / Grid: 1E / Parcel: 510 / Lot: 27  
First Election District

**ZONING:** R3 / Urban Residential

**REQUESTS:** Variances to rear and side yard set back requirements to allow an existing dwelling, sunroom, deck, and accessory structure; and variance to allow an accessory structure to be within a recorded easement in a R3 Urban Residential District.

#### **TESTIMONY AND EVIDENCE OF RECORD:**

Michael Segreti, the Applicant, testified that he had purchased his split-level, three bedroom residence at 300 Bright Oaks Drive in April of 2003. At the time the Applicant purchased the property, a deck was attached to the rear of the house. The deck violated the 35 foot required rear yard setback, being within 24 feet of the rear yard line. Also existing on his property was a shed in the north corner of the property, located directly upon the rear and side yard lot lines. Furthermore, a sunroom was built to the rear of the house which also impacted the 35 foot required rear yard setback.

The Applicant is requesting permission for the existing sunroom and shed to remain. He has removed the deck and wishes to replace it with a smaller deck which would be approximately 10 feet further away from the rear lot line than the deck which was removed.

The Applicant testified that the deck, sunroom and accessory structure had been erected by the previous owner, without proper permits.

The Applicant's property is a corner lot, with a sloping rear yard. Also impacting the Applicant's use of his rear yard is a large protruding bolder which limits the usability of a portion of his lot.

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Photographs attached to the Department of Planning and Zoning's Staff Report indicate a well-kept rear yard, fully fenced by what appears to be a 5 foot high solid wood fence. The lot is obviously a corner lot in an established residential subdivision.

The Applicant has spoken to his adjoining neighbors, and none had an objection to the proposed use. The Applicant provided a letter from one of the neighbors indicating no objection to the variance requests.

The Harford County Department of Public Works submitted a "Memorandum to the File" which indicates that the shed does not appear to interfere with drainage in the area and that the Department of Public Works had no objection to the shed remaining in the easement area, provided the shed not be placed on a permanent foundation, and that if, in the future, a drainage problem is created or contributed to by the shed, it must be relocated out of the easement at the owners expense.

The Department of Planning and Zoning recommends approval. Anthony S. McClune, Deputy Director of the Department, testified that the Applicant's property is unique. The original builder of the house placed the house on the property at an angle to two front streets, substantially behind the minimum front yard setback. If the house had been located on the minimum front yard setback line, the variances -- at least the extent requested -- would not be necessary. The property also exhibits an unusual topography, and the area on which improvements can be constructed are impacted by a large boulder in the back yard. Because of all of these characteristics, the Department believes the property to be unique.

No witnesses appeared in opposition.

### **APPLICABLE LAW:**

The Applicant is requesting variances to Sections 267-23C(1)(a)[6], 267-26C(5)(b), and Section 267-26C(6) of the Harford County Code.

### **FINDINGS OF FACT AND CONCLUSIONS OF LAW:**

The Applicant's property at 300 Bright Oaks Drive is unique due to: (1) existing, unusual topographical elements; (2) its location on two front streets; and (3) the fact that the builder at the time of the construction of the house failed to place the house at the minimum front yard setback line. Because of these unusual elements, the Applicant experiences practical difficulty by virtue of his inability to place improvements in his back yard without impacting the required setbacks. The variance requests are the result of actions by predecessors in title, not the Applicant.

No adverse impact will be experienced by any surrounding property owner, or by the neighborhood as a whole, if these variances were granted.

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**CONCLUSION:**

The requested variances are approved, subject to the following conditions:

1. The Applicant obtain all necessary permits.
2. The shed must not be located on a permanent foundation, and if it is determined in the future the shed is contributing to a drainage problem, it must be relocated out of the easement at the owners expense.

Date: December 31, 2003

ROBERT F. KAHOE, JR.  
Zoning Hearing Examiner